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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,145

09/30/2003

Jerry A. Overton

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EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/675,145

Applicant(s)

OVERTON, JERRY A.

Examiner

Nghi H. Ly

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce et al (US 6,798,358) in view of Pines et al (US 6,970,548).

Regarding claims 1 and 12, Joyce teaches a method comprising: maintaining a set of data that correlates data-references with location (see Abstract and column 1, line 54 to column 2, line 21), wherein each data reference points to respective data (see column 2, lines 10-15), receiving from a device a request for context-based data (see Abstract and column 1, lines 54-67), determining a current location of the device (also see Abstract and column 1, line 54 to column 2, line 21), querying the set of data to uncover at least one data-reference that the set of data correlates with the current location of the device (see fig.5, step 206 "*access profile*" reads on Applicant's "*querying*" and column 7, lines 52-59, see "*The applicant server 18 will receive the profile information, and request any available content from the content server 22.*

*Assuming that content is available, the content server 18, which may send information to the mobile terminal 10".* Joyce's "*the profile information*" reads on Applicant's "*set of*

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*data*", and the teaching of Joyce does indeed teach Applicant's "uncover" since Joyce teaches after receive the profile information, request any available content and then send information to the mobile terminal. In addition, Applicant's specification page 3, lines 9-16 merely recites "uncover", however, the Applicant's specification fails to further disclose how to "uncover". Therefore, the teaching of Joyce does indeed teach Applicant's claimed limitation with the broadest reasonable interpretation), acquiring data to which the at least one data-reference points (also see Abstract and column 1, line 54 to column 2, line 21), and sending the acquired data to the device in response to the request (also see Abstract and column 1, line 54 to column 2, line 21).

Joyce does not specifically disclose device capability information, determining one or more capabilities of the device, and the data set correlates with the one or more capabilities of the device.

Pines teaches device capability information, determining one or more capabilities of the device (see column 26, lines 31-53, see "capabilities", "voice format" and "text format"), and the data set correlates with the one or more capabilities of the device (also see column 26, lines 31-53, see "capabilities", "voice format" and "text format").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pines into the system of Joyce in order to provide a system and method which provides wireless directory and other information assistance services (see Joyce, column 1, lines 14-18).

Regarding claim 2, the combination of Joyce and Pines further teaches a wireless carrier performing the method (see Joyce, fig.1, wireless device 10, or see Pines, items 4 and 6).

Regarding claim 3, Joyce further teaches receiving the request comprises receiving the request via a radio frequency air interface, and wherein sending the acquired data comprises sending the acquired data via the radio frequency air interface (see Abstract, and fig.1, wireless device 10).

Regarding claims 4 and 14, the combination of Joyce and Pines further teaches the device comprises a mobile station (see Joyce, fig.1, wireless device 10, or see Pines, items 4 and 6).

Regarding claims 5 and 15, Joyce further teaches the request comprises an HTTP request (column 7, lines 25-30, see "HTTP request").

Regarding claims 6 and 16, Joyce further teaches determining the current location of the device comprises querying a location-determination system (see Abstract and column 1, line 54 to column 2, line 21).

Regarding claim 7, Joyce further teaches determining the current location of the device comprises reading an indication of the current location from the request (see Abstract and column 1, line 54 to column 2, line 21).

Regarding claims 8 and 17, the combination of Joyce and Pines teaches claims 1 and 12. The combination of Joyce and Pines does not specifically disclose querying a device capabilities store to determine the one or more capabilities of the device.

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However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Joyce and Pines for providing a method as claimed, for querying the device capabilities store.

Regarding claim 9, the combination of Joyce and Pines teaches claims 1 and 12. The combination of Joyce and Pines does not specifically disclose determining the one or more capabilities of the device comprises determining a make and model of the device, wherein the make and model inherently defines certain device capabilities.. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Joyce and Pines for providing a method as claimed, for determining the one or more capabilities of the device.

Regarding claim 11, the combination of Joyce and Pines teaches claims 1 and 12. The combination of Joyce and Pines does not specifically disclose generating the set of data by a process comprising computing at least one Cartesian product of (i) a measure of geographic location and (ii) one of the data references. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Joyce and Pines for providing a method as claimed, for generating a set of data.

Regarding claim 13, Joyce further teaches a radio access network through which the request passes from the device to the network server, and through which the acquired data passes from the network server to the device (see Abstract, fig.1 and column 1, line 54 to column 2, line 21).

Regarding claim 19, the combination of Joyce and Pines teaches claims 1 and 12. The combination of Joyce and Pines does not specifically disclose the network server comprises a portal server. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Joyce and Pines for providing a method as claimed, for transmitting a portal page.

Regarding claim 20, the combination of Joyce and Pines further teaches the network server is operated by a carrier that provides the device with an access channel (see Joyce, column 7, lines 17-22, see "link", and see Pines, column 17, lines 45-50, see "channel").

4. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce et al (US 6,798,358) in view of Pines et al (US 6,970,548) and further in view of Andaker et al (US 6,944,479).

Regarding claims 10 and 18, the combination of Joyce and Pines teaches acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference (see Joyce, column 7, lines 25-30, see "HTTP request"). The combination of Joyce and Pines does not specifically disclose the data-references comprise uniform resource identifiers ("URIs").

Andaker teaches the data-references comprise uniform resource identifiers ("URIs") (see Abstract and column 7, lines 51-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Andaker into the system of Joyce and Pines in order to provide a systems, methods and computer program products for using call establishment signaling to request data (see Andaker, column 1, lines 6-11).

### ***Response to Arguments***

5. Applicant's arguments filed 03/14/06 have been fully considered but they are not persuasive.

On pages 7, 8, 9 and 10 of Applicant's remarks, Applicant argues that Joyce and Pines fails to teaches querying the set of data to uncover at least one data-reference that the set of data correlates with the current location of the device and that the data set correlates with the one or more capabilities of the device.

In response, Joyce teaches querying the set of data to uncover at least one data-reference that the set of data correlates with the current location of the device (see fig.5,



step 206 “*access profile*” reads on Applicant’s “*querying*” and column 7, lines 52-59, see “*The applicant server 18 will receive the profile information, and request any available content from the content server 22. Assuming that content is available, the content server 18, which may send information to the mobile terminal 10*”. Joyce’s “*the profile information*” reads on Applicant’s “*set of data*”, and the teaching of Joyce does indeed teach Applicant’s “*uncover*” since Joyce teaches after receive the profile information, request any available content and then send information to the mobile terminal. In addition, Applicant’s specification page 3, lines 9-16 merely recites “*uncover*”, however, the Applicant’s specification fails to further disclose how to “*uncover*”. Therefore, the teaching of Joyce does indeed teach Applicant’s claimed limitation with the broadest reasonable interpretation), Pines teaches the data set correlates with the one or more capabilities of the device (see column 26, lines 31-53, see “*capabilities*”, “*voice format*” and “*text format*”), *and* the combination of Joyce and Pines does indeed teach Applicant’s claimed limitation as recited in claims 1 and 12. In addition, Applicant’s attention is directed to the rejection of claims 1 and 12 above.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly



*Marsha D Banks-Harold*

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